

1 PHILLIP MAYS,  
2 Plaintiff,  
3 v.  
4 CAROLYN W. COLVIN,  
5 Defendant.

6 Case No. [15-cv-02731-MEJ](#)

7 **ORDER RE: FAILURE TO FILE  
8 STATEMENT OF ADMINISTRATIVE  
9 RECORD**

10 On July 13, 2015, the Court ordered the parties to meet and confer for the purpose of  
11 determining whether they are able to file a joint statement of the Administrative Record or  
12 whether it is necessary for the parties to file separate statements. 10. After the meet and confer,  
13 the Court directed the parties to file either a joint statement or separate statements of the  
14 Administrative Record, summarizing: (1) the procedural history of the case; (2) testimonial  
15 evidence from the hearing(s) before the Administrative Law Judge; and (3) all relevant medical  
16 evidence of record. *Id.* On October 16, 2015, Plaintiff filed a Motion for Summary Judgment, but  
no separate or joint statement of the record was filed.

17 Accordingly, the Court ORDERS the parties to meet and confer by November 2, 2015 to  
18 determine whether they will file a joint or separate statement of the record. The joint or separate  
19 statement shall be filed by November 16, 2015. Defendant's cross-motion (and separate statement  
20 of the record, if no joint statement is filed) is due December 14, 2015. Plaintiff's reply (and reply  
21 statement of the record, if Defendant files a separate statement) is due December 28, 2015.

22 **A. Joint Statement of the Administrative Record**

23 If the parties are able to agree on a joint statement of the Administrative Record, the  
24 statement shall be signed by both parties and filed by the deadline above. Each fact must be set  
25 forth in a separately numbered paragraph and cite to a specific portion of the Administrative  
26 Record where the fact finds support.

27 **B. Separate Statements of the Administrative Record**

28 If the parties are unable to agree on a joint statement, they shall comply with the following

1 requirements for separate statements of the Administrative Record.

2       1.     Plaintiff's Separate Statement of the Administrative Record

3           By the deadline above, Plaintiff must file a statement, separate from the motion and  
4 memorandum of law, setting forth each fact from the Administrative Record on which Plaintiff  
5 relies in support of the motion. Each fact must be set forth in a separately numbered paragraph  
6 and cite to a specific portion of the Administrative Record where the fact finds support. A failure  
7 to submit a separate statement in this form may constitute grounds for denial of the motion.

8       2.     Defendant's Separate Statement of the Administrative Record

9           At the time Defendant files the cross-motion for summary judgment or for remand,  
10 Defendant must also file a statement, separate from the motion and memorandum of law, setting  
11 forth: (a) for each paragraph of Plaintiff's separate statement, a correspondingly numbered  
12 paragraph indicating whether Defendant disputes the statement of fact as set forth by Plaintiff and,  
13 if disputed, a reference to the specific portion of the Administrative Record supporting  
14 Defendant's position; and (b) any additional facts from the Administrative Record on which  
15 Defendant relies in support of the motion. Each additional fact must be set forth in a separately  
16 numbered paragraph and cite to a specific portion of the Administrative Record where the fact  
17 finds support.

18       3.     Reply Statement of Facts

19           If Defendant sets forth additional facts in the cross-motion, Plaintiff shall file a statement,  
20 separate from the reply brief, with correspondingly numbered paragraphs indicating whether  
21 Plaintiff disputes the statement of fact as set forth by Defendant and, if disputed, a reference to the  
22 specific portion of the Administrative Record supporting Plaintiff's position.

23           **IT IS SO ORDERED.**

25           Dated: October 19, 2015

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27             
28           MARIA-ELENA JAMES  
United States Magistrate Judge